

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: ETHICON, INC.,
PELVIC REPAIR SYSTEMS
PRODUCTS LIABILITY LITIGATION

MDL 2327

THIS DOCUMENT RELATES TO:

SUE ELLEN FLECKNER

Plaintiff,

v.

Civil Action No. 2:14-cv-09413

ETHICON, INC., ETHICON, LLC and,
JOHNSON & JOHNSON,

Defendants.

MEMORANDUM OPINION AND ORDER

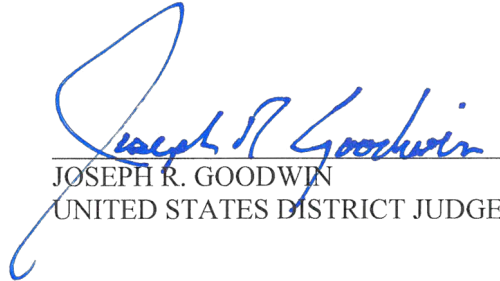
On February 8, 2018, a Suggestion of Death was filed by plaintiff's counsel suggesting the death of Sue Ellen Fleckner during the pendency of this civil action. [ECF No. 14]. Plaintiff's counsel filed a Motion to Extend Time to File Service of Suggestion of Death to Non-Parties and on June 26, 2019, filed a Notice of Completion of Notice to Heirs of Suggestion of Death and Satisfaction of Requirements of PTO 308 [ECF No. 17].

Pursuant to Federal Rule of Civil Procedure 25(a) and Pretrial Order ("PTO") # 308 (Requirements for Counsel to Deceased Plaintiffs) filed in *In re: Ethicon, Inc., Pelvic Repair System Products Liab. Litig.*, 2:12-md-2327 [ECF No. 6218], the time to substitute a proper party for the deceased party has expired and there has been no motion to substitute the deceased party. Sue Ellen Fleckner was the only plaintiff named in this civil action.

The court **ORDERS** that pursuant to Rule 25(a) and PTO # 308, this case is **DISMISSED** **without prejudice** and **STRICKEN** from the docket. Any pending motions are **DENIED** as moot.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: February 12, 2020



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE